

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

~~CONFIDENTIAL~~

HANLEY CHEW (CABN 189985)
Assistant United States Attorneys
150 Almaden Boulevard, Suite 900
San Jose, CA 95113
Telephone: (408) 535-5061
Fax: (408) 535-5066
E-Mail: hanley.chew@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00720 RMW
)	
Plaintiff,)	STIPULATION AND <input type="checkbox"/>
)	ORDER EXCLUDING TIME FROM
v.)	NOVEMBER 26, 2012 TO JANUARY 7,
)	2013 FROM CALCULATIONS UNDER
YEZHOU ZHAO,)	THE SPEEDY TRIAL ACT
)	
Defendant.)	

The parties hereby request that the Court enter this order excluding time from November 26, 2012 through January 7, 2013. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from November 26, 2012 through January 7, 2013 based upon the need for the defense counsel to investigate further the facts of the present case, consult with defendant and determine what, if any, additional motions are appropriate.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be for

the period from November 26, 2012 through January 7, 2013.

Given these circumstances, the parties believe, and request that the Court find, that the ends of justice are served by excluding from calculations the period from November 26, 2012 through January 7, 2013 outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: 11/27/12

/s/
FRANK UBHAUS
Attorney for Defendant

DATED: 11/27/12

/s/
HANLEY CHEW
Assistant United States Attorney
Attorney for Plaintiff

¶ ORDER

Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from November 26, 2012 through January 7, 2013, based on the need for the defense counsel to investigate further the facts of the present case, review the discovery that the government has already provided and will provide and evaluate further possible defenses and motions available to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and is in the defendant's best interests; and (3) the ends of justice are served by excluding from Speedy Trial calculations the period from November 26, 2012 through January 7, 2013.

Accordingly, the Court further orders that the time from November 26, 2012 through

1 January 7, 2013 is excluded from time calculations under the Speedy Trial Act, 18 U.S.C.
2 § 3161.

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4 IT IS SO ORDERED.

5 DATED: ~~FBI~~ ~~CD~~ ~~H~~ _____
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7 THE HONORABLE RONALD M. WHYTE
8 United States District Court Judge
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